

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2017/2018

BIR 2884 – INDUSTRIAL RELATIONS
(Distance Education)

5th MARCH 2018
2.30 p.m. – 4.30 p.m.
(2 hours)

INSTRUCTIONS TO STUDENT:

1. This Question paper consists of **three (3)** printed pages excluding the cover page.
2. Answer **ALL FOUR (4)** questions.
3. Please write all your answers in the Answer Booklet.
4. You must support your answer with case law and statutory provisions, where necessary.

ANSWER ALL QUESTIONS**QUESTION 1**

Discuss in detail the concept of the strike as a mode of industrial action in Malaysia.

(25 Marks)

QUESTION 2

You have been asked to advise a newly-formed trade union on the important aspect of collective bargaining. You should advise them on what is collective bargaining and the prerequisites that they should fulfil before they can enter into collective bargaining.

(25 marks)

QUESTION 3

Boris has been working with Wimbledon Tennis Sdn Bhd (“the Company”) as a human resources manager for the past 10 years, earning a salary of RM 1 500.00 per month. He has been a diligent administrator although he could get careless sometimes in carrying out his duties.

On 15th of May 2017, during a stock-taking exercise, the Management of the Company discovers that a laptop assigned by the Company to the Human Resources Department was missing. Boris is called in by Andre, his immediate superior and is asked for an explanation. Boris tells Andre that the laptop is assigned to his assistant, Steffi, who is away on maternity leave. Dissatisfied with his explanation, Andre suspends Boris immediately with half-pay until further notice.

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On 31st May 2017, Boris receives a letter from the Company that a domestic inquiry ("DI") is convened against him for alleged misconduct relating to the loss of the property of the Company. He is asked to present himself at the hearing which is to be held on the 14th of June 2017. On the night of 2nd of June 2017, however, Boris receives a phone call from Andre instructing him to come to the office the following morning at 10.00 a.m. as the DI has been brought forward due to one of the panel members having to leave overseas for a holiday on the 10th of June 2017.

Boris then goes to the DI with his colleague, John. John is stopped from attending the DI proceedings. Boris discovers that the DI had commenced at 9.00 a.m, instead of 10.00 a.m. Andre, who is in charge of the investigations against Boris, had already presented the case against Boris and had submitted evidence by Monica, the Office Administrator who allegedly discovered the loss of the laptop and brought it to Andre's attention. Boris requests a postponement of the DI as first, he is caught unawares and secondly, he needs to call Steffi as his witness and she is still on maternity leave. The panel, headed by Roger who is Boris's immediate assistant, refuses his request. Boris, understandably upset, refuses to participate in the proceedings and walks out of the DI. The hearing continues in his absence.

On the 15th of June 2017, Boris receives a letter from Company stating that the DI has found him guilty of the charge of misconduct and is dismissed with immediate effect from the Company. He also finds out from his contacts in the Company that Roger has now taken over his position.

Advise Boris. Your answer should be supported by cases, where applicable.

(25 marks)

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QUESTION 4

The workers of the glass-making industry have submitted an application to obtain registration of their trade union to the Registrar of Trade Unions. The Registrar has refused to register the trade unions on the following grounds. Discuss whether such grounds are valid. Advise the trade union what to do next.

- a. The proposed name of the trade union is misleading
- b. The glass-making industry is not a major industry and hence the trade union will be ineffective
- c. Two members of the proposed Exco are independent contractors
- d. The employers object strenuously to the formation of the union
- e. One of the provisions of the Constitution of the trade union is to support any political party that supports workers' rights.

(25 marks)

TOTAL: 100 Marks

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